

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 330440-100038
First Named Inventor: William J. Kohr
Prior Application Information:
Serial No. 10/146,393
Art Unit: 1742

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☒ continuation ☐ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 10/146,393 filed on May 14, 2002, which will issue as U.S. Patent No. 6,652,622 on November 25, 2003, by

William J. Kohr, entitled:

Method For Recovering Metal Values From Concentrate Of Sulfide Minerals

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

I. APPLICATION ELEMENTS ENCLOSED

45 Page(s) of Written Description
10 Page(s) of Claims
1 Page(s) of Abstract
5 Sheet(s) of Drawings ☒ formal ☐ informal
2 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney
☒ Copy from prior application [37 CFR § 1.63(d)]: filed on October 6, 1995 in parent application Serial No. 08/476,444
☐ Newly executed
____ Other:

CERTIFICATE OF MAILING
(37 C.F.R. § 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 301124795 US
Express Mail Label No.

November 24, 2003
Date of Deposit
LAI-2075312v1

Kelene Lutgen
Name of Person Mailing Paper

Signature of Person Mailing Paper

- ☒ The present application is owned by GeoBiotics, LLC. A copy of the Assignment from the inventors to Geobiotics, Inc., a California Corporation, recorded on October 6, 1995 at Reel 7736, Frame 0517 to 0519 against parent application Serial No. 08/476,444, filed June 7, 1995 is enclosed. Also enclosed is (1) a copy of a Certificate of Merger from the Secretary of State for the State of Delaware certifying that Geobiotics, Inc., a California Corporation, merged with and into Geobiotics, Inc., a Delaware Corporation, which was recorded on July 23, 2001 at Reel 012002, Frame 0011 to 0022, and (2) a copy of a Certificate of Merger from the Secretary of State for the State of Delaware certifying that Geobiotics, Inc., a Delaware Corporation, merged with and into GeoBiotics, LLC, a Delaware limited liability company, which was recorded on July 23, 2001, at Reel 012002, Frame 0001 to 0005. Both Certificates of Merger were recorded against parent application Serial No. 09/709,765.
- ☒ An Information Disclosure Statement, PTO 1449, ☒ with copies of cited items.
- ☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

II. FEE CALCULATION

- ☐ Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:							\$770.00
Total Claims	20	-	20	=	0	x \$18.00	\$0.00
Independent Claims	2	-	3	=	0	x \$86.00	\$0.00
Multiple Dependent Claims	\$290	(if applicable)				<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS							\$770.00
Reduction by ½ for Filing by Small Entity.							<input type="checkbox"/> \$0.00
Misc. Filing Fees (Recordation of Assignment)							\$0.00
TOTAL FEES DUE HEREWITH							\$770.00

III. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in Country is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
- ☐ The certified copy will follow.

IV. AMENDMENTS

- ☒ Cancel in this application original Claims 1-25 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)

- ☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

V. RELATE BACK - 35 USC § 120

- ☒ This application is a continuation of Serial No. 10/146,393, filed on May 14, 2002, which is a continuation of Serial No. 09/709,765, filed on November 10, 2000, now U.S. Patent No. 6,387,155, which is a continuation of Serial No. 08/950,279, filed on October 14, 1997, now U.S. Patent No. 6,146,444, which is a continuation of Serial No. 08/476,444, filed on June 7, 1995, now U.S. Patent No. 5,676,733, which is a continuation in part of Serial No. 08/343,888, filed on November 16, 1994, now U.S. Patent No. 5,573,575, which is a continuation in part of Serial No. 08/161,742, filed on December 3, 1993, now U.S. Patent No. 5,431,717.
- ☒ Relation back information is included the specification.
- ☐ Relation back information is included in the Preliminary Amendment.
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
- ☒ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:
- [Name(s) of inventor(s) to be deleted]

VI. METHOD OF PAYMENT OF FEES

- ☐ Attached is a check in the amount of _____.
- ☒ Charge Jones Day's Deposit Account No. **50-2468** in the amount of **\$770.00**.
- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Jones Day's Deposit Account No. **50-2468** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **50-2468**:

- ☐ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☐ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☐ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers, but was filed on _____ in prior application Serial No. _____ (copy enclosed).
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 34026:



JONES DAY
555 W. Fifth Street
Suite 4600
Los Angeles, CA 90013-1025
(213)489-3939

Please direct all inquiries to David A. Randall, at the above Customer Number.

IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.


X. ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

JONES DAY

Dated: November 24, 2003

By: 
David A. Randall
Reg. No. 37,217

Enclosures